

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2591 – SB 2557

March 27, 2018

SUMMARY OF ORIGINAL BILL: Provides a pay raise of \$100 per month for all state employees on July 1 of every odd-numbered year.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Exceeds \$48,378,700/FY19-20
Exceeds \$48,378,700/FY20-21
Exceeds \$96,744,600/FY21-22
Exceeds \$96,744,600/FY22-23 and Subsequent Years

Increase Federal Expenditures – Exceeds \$600,000/FY19-20
Exceeds \$600,000/FY20-21
Exceeds \$1,200,000/FY21-22
Exceeds \$1,200,000/FY22-23 and Subsequent Years

SUMMARY OF AMENDMENT (016094): Deletes all language after the enacting clause and rewrites the proposed legislation to require the state to defend armed school security officers provided for in the School Safety Act of 2018 (SB2059/HB2129) in any legal dispute resulting from the officer's service as an armed school security officer.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Other Fiscal Impact – To the extent the School Safety Act is enacted into law and a security officer subsequently requires legal representation, and the Attorney General determines that a private attorney would be in the best interest of the armed school security officer, the proposed legislation will increase state expenditures for reimbursement of defense costs. The extent of any such impact cannot reasonably be determined with reasonable certainty.

Assumptions for the bill as amended:

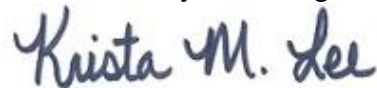
- Tennessee Code Annotated § 8-42-103 provides representation by the Attorney General and Reporter ("Attorney General"), by attorneys appointed by the Attorney General, or

by counsel approved by the Attorney General, for acts or omissions of the state employee within the scope of the employee's employment.

- Tennessee Code Annotated § 8-42-104 provides for reimbursement of legal representation in criminal actions against a state employee for acts apparently performed by the employee in the scope of the employee's assigned official duty if the criminal charges are dismissed with prejudice or if the employee is acquitted.
- Tennessee Code Annotated § 8-42-101 defines "state employee" for purposes of providing state-funded representation. The proposed legislation adds armed school security officers provided for in the School Safety Act of 2018 (SB2059/HB2129) to the definition of "state employee".
- The proposed legislation will provide representation by the Attorney General, by attorneys appointed by the Attorney General, or by counsel approved by the Attorney General, to armed school security officers in civil matters and will reimburse the officer's costs of legal representation in a criminal matter if the officer is acquitted or the criminal charges are dismissed with prejudice.
- To the extent the Attorney General determines that an officer's best interests are served by having private counsel represent the officer in a civil matter, the proposed legislation will increase state expenditures for such legal representation. However, the extent of the increase cannot reasonably be determined due to unknown factors.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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